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EXAMINER

KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,806	Applicant(s) TALVITIE, OLLI	
	Examiner Nadia Khoshnoodi	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/8/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/8/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/03-22-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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Part III Detailed Action

Drawings

Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated, as stated in pg. 7, line 3 of the disclosure by "known SIM card." See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Method for Identification/Authentication of a Communication Device.

The abstract of the disclosure is objected to because in lines 2, 8-9, 12, and 16-17, references are made to element 1 in fig. 1. The numeral reference should be deleted. Also, the reference to "Fig. 4" at the end of the abstract should be deleted. Correction is required. See MPEP § 608.01(b).

Furthermore, applicant is reminded of the proper language and format for an abstract of the disclosure. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist

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readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Finally, the specification is objected to under 37 C.F.R. § 1.71 for including references to various claims throughout the disclosure. For example, on page 1, paragraph 1 of the disclosure references are made to "appended claim 6," "appended claim 10," and so on. References of this type should be removed.

Claim Objections

Claim 3 is objected to because of the following informality: line 2 states "delayed an the increase," where "the" should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1:

Claim 1 recites the limitations "the comparison," "the processing," and "the expiry" in lines 11-15. In each of these instances, the terms have not been previously introduced, therefore,

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there is insufficient antecedent basis for these limitations in the claims. In order to fix this, it is suggested that applicant uses the term "a"/"an" (as necessary) in place of "the."

As per claims 6, 10, and 13:

These claims recite the limitation "the authentication" in line 3 (for claims 6 and 13) and line 4 (for claim 10), where an authentication has not been previously introduced, thus there is insufficient antecedent basis for these limitations in the claims. Furthermore, each of the claims also recites the limitations "the comparison" and "the processing" in lines 11-12 (for claim 6), lines 11-13 (for claim 10), and lines 10-11 (for claim 13). In each of these instances, the terms have not been previously introduced, thus there is insufficient antecedent basis for this limitation in the claim. In order to fix this, it is suggested that applicant uses the term "a"/"an" (as necessary) in place of "the."

As per claim 11:

Claim 11 recites the limitation "the login" in line 4, where a login has not been previously introduced, thus there is insufficient antecedent basis for these limitations in the claims. In order to fix this, it is suggested that applicant uses the term "a" in place of "the."

As per claims 2-5, 7-9, and 12-13:

These claims are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paatero et al., International Publication No. WO 01/30104, and further in view of Angelo, United States Patent No. 5,949,882.

As per claims 1, 6, and 10:

Paatero et al. substantially teaches a method for authentication in a communication device in which identification data is stored in connection with the communication device, a communication device comprising means for storing identification data, and a communication system comprising at least one communication network and a communication device comprising means for storing identification data, wherein the authentication is divided in at least two steps of authentication, wherein in the first authentication step, at least one security inquiry containing identification data of the communication device is transmitted to the communication device, said identification data contained in the security inquiry is examined in the communication device to find out if the identification data matches with the identification data stored in the communication device (pg. 7, line 24 – pg. 8, 28), wherein the second authentication step is only taken if the comparison shows that said identification data match (pg. 8, line 29 – pg. 9, line 3).

Not explicitly disclosed by Paatero et al. is the method for authentication in a communication device wherein if the comparison shows that the identification data do not match, a time control is started, wherein the processing of the next security inquiry message transmitted to the communication device is started after the expiry of said time control in the communication device. However, Angelo teaches an authentication method wherein if the comparison between the stored password and the password used for identification exceeds a maximum number of

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attempts, a time control is started. Furthermore, Angelo teaches halting attempts to re-enter a password until the amount of time for the time control has been reached. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Paatero et al. to use a time control when the identification data do not match. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Angelo in col. 13, lines 1-6.

As per claim 2:

Paatero et al. and Angelo substantially teach the method as applied to claim 1 above. Furthermore, Paatero et al. teach the method in which the communication device is logged in a communication network, wherein the authentication is performed at least in connection with the logging of the communication device in the communication network (pg. 1, lines 10-28).

As per claim 3:

Paatero et al. and Angelo substantially teach the method as applied to claim 1. Not explicitly disclosed by Paatero et al. or Angelo is the method wherein said time control is delayed an the increase in the number of such security inquiries in which the identification data do not match with the identification data stored in the communication device. However, Angelo teaches an authentication method of waiting a period of time after a maximum number of entries has been reached to reduce a certain type of attack. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Paatero et al. to increase the waiting period the more incorrect responses or avoidances of responses occur. This modification would have been obvious because a person having ordinary skill in the art, at

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the time the invention was made, would have been motivated to do so since it is suggested by Angelo in col. 13, lines 1-6 and col. 13, lines 49-55.

As per claim 4:

Paatero et al. and Angelo teach the method as applied to claim 1 above. Furthermore, Paatero et al. teach the method wherein the communication device used is a wireless communication device (pg. 1, lines 10-14).

As per claim 5:

Paatero et al. and Angelo et al. teach the method as applied to claim 4. Furthermore, Paatero et al. teach the method wherein a SIM card is used for storing the identification data in the wireless communication device (pg. 8, lines 11-16).

As per claim 7:

Paatero et al. and Angelo substantially teach the device as applied to claim 6. Not explicitly disclosed by Paatero et al. or Angelo is the method wherein the means for starting the time control comprise means for extending the time control period in the case of an increase in the number of such security inquiries in which the identification data do not match with the identification data stored in the communication device. However, Angelo teaches an authentication method of waiting a period of time after a maximum number of entries has been reached to reduce a certain type of attack. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Paatero et al. to increase the waiting period the more incorrect responses or avoidances of responses occur. This modification would have been obvious because a person having ordinary skill in the art, at the

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time the invention was made, would have been motivated to do so since it is suggested by Angelo in col. 13, lines 1-6 and col. 13, lines 49-55.

As per claim 8:

Paatero et al. and Angelo teach the device as applied to claim 6 above. Furthermore, Paatero et al. teach the device wherein the communication device used is a wireless communication device (pg. 1, lines 10-14).

As per claim 9:

Paatero et al. and Angelo teach the device as applied to claim 8 above. Furthermore, Paatero et al. teach the device wherein a SIM card is used for storing the identification data in the wireless communication device (pg. 8, lines 11-16).

As per claim 11:

Paatero et al. and Angelo teach the communication system as applied to claim 10 above. Furthermore, Paatero et al. teach the system comprising means for logging of the communication device in a communication network, wherein the authentication is arranged to be performed at least in connection with the login of the communication device in the communication network (pg. 2, line 27 – pg. 3, line 13). Although the term “login” is not explicitly used, the operations disclosed equate to the operations that occur during a login procedure, hence it is identical to that of logging in.

As per claim 12:

Paatero et al. and Angelo et al. teach the device as applied to claim 10 above. Furthermore, Paatero et al. teach the communication system, wherein the communication network comprises at least one mobile communication network, and that the communication

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device is a wireless communication device (pg. 1, lines 10-14).

As per claim 13:

Paatero et al. teach an identification card comprising means for storing identification data, wherein the means for storing identification data comprise means for performing the authentication in at least two steps of authentication (pg. 1, lines 15-19), wherein the identification card comprises means for receiving at least a security inquiry in the first authentication step, the security inquiry containing identification data of a communication device (pg. 4, lines 1-8); means for examining said identification data contained in the security inquiry to find out if the identification data matches with the identification data stored in the communication device (pg. 4, lines 1-14); and that the second authentication step is arranged to be taken only if the comparison shows that said identification data match (pg. 8, line 29 – pg. 9, line 3).

Not explicitly disclosed by Paatero et al. is the identification card comprising means for starting a time control if the comparison shows that the identification data do not match; and means for starting the processing of the next security inquiry message transmitted to the communication device after the expiry of said time control in the communication device. However, Angelo teaches an authentication method wherein if the comparison between the stored password and the password used for identification exceeds a maximum number of attempts, a time control is started. Furthermore, Angelo teaches halting attempts to re-enter a password until the amount of time for the time control has been reached. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the functions of the identification card disclosed in Paatero et al. to use a time control when the

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identification data do not match. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Angelo in col. 13, lines 1-6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825.

The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nadia Khoshnoodi
Examiner
Art Unit 2133
2/14/2004

NK

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